

REMARKS

Claims 1 and 3-8 are currently pending. Claim 1 has been amended to move the period to the end of the claim.

I. The Information Disclosure Statement

As discussed below, in the instant application a double patenting rejection was made based on Copending Application 11/244,159. In Copending Application 11/244,159 a double patenting rejection was made based on Copending Application 11/244,069. The IDS filed concurrently herewith lists Copending Application 11/244,069 and its patent application publication.

II. The Double Patenting Rejection

Claims 1 and 9-15 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 1 of copending Application No. 11/244,159.

Since this is a provisional rejection, Applicants postpone response until one of the instant application or the copending Application is in condition for allowance. See MPEP 804.I.B.

III. The Rejection Based on Sakamaki '804

Claims 1, 3-6, and 9-11 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Sakamaki U.S. Publication No. 2002/0008840.

Applicants respectfully submit that the present invention is not anticipated by or obvious over the disclosures of Sakamaki '804 and request that the Examiner reconsider and withdraw this rejection in view of the following remarks.

Sakamaki '804 stretches the polymer film once and then shrinks it to 10% or more (see claim 8 of Sakamaki '804). Also, the film is shrunk by narrowing the tenter width, which has been enlarged once, and the shrinking direction is not the longitudinal direction (see paragraphs [0109], [0110] and FIGS. 1 and 4 of Sakamaki '804). As is clear from the disclosures of Sakamaki '804, Sakamaki '804 mentions shrinking after stretching. Sakamaki '804 fails to disclose that the polymer film is stretched in a width direction while being shrunk.

For the above reasons, it is respectfully submitted that the subject matter of claims 1 and 3-6 is not anticipated by the disclosures of Sakamaki '804 and it is requested that the rejection under 35 U.S.C. §102 be reconsidered and withdrawn.

IV. The Rejection Based on Sakamaki '804 and Takahashi

Claims 7-8 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sakamaki '840 in view of Takahashi U.S. Publication No. 2006/0262401.

As described in Section III above, the characteristic of Sakamaki '804 is different from the characteristic of the present invention in that the polymer film of the present invention is stretched in a width direction while being shrunk. Takahashi does not overcome the deficiencies in Sakamaki '804 in the characteristic of stretching in a width direction while being shrunk. Accordingly, even if the disclosures of Sakamaki '804 and Takahashi are combined, the method for producing a birefringent film according to claims 7 and 8 would not have been obvious to one skilled in the art.

For the above reasons, it is respectfully submitted that the subject matter of claims 7 and 8 is neither taught by nor made obvious from the disclosures of Sakamaki '840 and Takahashi and it is requested that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

V. Claims 9-15

Claims 9-11 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated Nakashima U.S. Publication No. 2004/0058093.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Sakamaki '840 or Nakashima.

Claims 9-15 have been cancelled. Therefore, the rejections based on Nakashima and Sakamaki '840 in view of Nakashima are moot and withdrawal is requested.

VI. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections under 35 U.S.C. §§102 and 103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Application No.: 10/554,224
Art Unit: 4111

Amendment Under 37 C.F.R. §1.111
Attorney Docket No.: 052638

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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